

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

January 5, 2015

AGENDA BOARD OF SELECTMEN MONDAY, JANUARY 5, 2015

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following:

Monday, December 15, 2014 – Regular Session

APPOINTMENTS & HEARINGS

6:30 Public Comment

w Seabury Country Club – Request to close temporarily – Public Hearing Continued from December 15, 2014 Selectmen Meeting- **Vote Required**

Wonsset Inn – Request to close temporarily – Public Hearing Continued from December 15, 2014 Selectmen Meeting – **Vote Required**

Great Neck Bay Association – STOP Sign Request in Village – **Vote Required**

COMMUNICATIONS & CORRESPONDENCE

- Request for Letter of Support – Changes to Spraying Regulations – **Vote Required**

OLD BUSINESS

- Wastewater Update

NEW BUSINESS

- Position Vacancy Request: Animal Control/Police Department – **Vote Required**
- Position Vacancy Request: Firefighter/EMT - Fire & Rescue – **Vote Required**
- Request to Change DBA – Oak and Ember – **Vote Required**

ADDITIONAL TOPICS

- 1) Request to Rescind Renewal of Annual Liquor License; Meggie Top – **Vote Required**

LIAISON REPORTS

EXECUTIVE SESSION

- Memorandum of Agreement (MOA) – Clerical Unit – **Vote Required**

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Present: Selectman Richardson, Selectman Sherman,
Gottlieb

Selectman Cahalane, Selectman

Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Absent: Selectman Taylor

Meeting Called to Order by Vice-Chairman Richardson at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES:

Monday, December 15, 2014 – Regular Session:

Motion made by Selectman Sherman to approve the minutes of Monday, December 15, 2014 – Regular Session as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

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APPOINTMENTS & HEARINGS:

New Seabury Country Club – Request to Close Temporarily – Public Hearing
Continued from December 15, 2014:

The Board of Selectmen opened the Public Hearing continued from December 15, 2014 on the request of New Seabury Properties, LLC, d/b/a New Seabury Country Club, Stephen T. Brennan, Manager to close for annual maintenance, renovations and repairs as follows;

January 2, 2015 through March 28, 2015 (restaurant will re-open on Fridays and Saturdays only through March 27, 2015)
January 5, 2015 through April 3, 2015.

As a result of the absence of a representative to attend the Public Hearing on December 15, 2014, the New Seabury Country Club Restaurant was required to remain open until the Board of Selectmen addressed this matter.

Stephen Brennan, Manager was in attendance to discuss the closure request with the Board of Selectmen. Being no additional comment, the Board of Selectman motioned as follows to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Motion made by Selectman Sherman to grant the request of New Seabury Properties, LLC, d/b/a New Seabury Country Club, Stephen T. Brennan, Manager to close on January 5, 2015 for annual maintenance, renovations and repairs, and re-open as referenced.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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APPOINTMENTS & HEARINGS:

Popponesset Inn – Request to Close Temporarily – Public Hearing Continued from December 15, 2014:

The Board of Selectmen opened the Public Hearing continued from December 15, 2014 on the request of New Seabury Properties, LLC, d/b/a Popponesset Inn, Stephen T. Brennan, Manager to close for annual maintenance, renovations and repairs as follows;
January 1, 2015 through March 31, 2015 (restaurant will re-open for functions beginning April 1, 2015)

As a result of the absence of a representative to attend the Public Hearing on December 15, 2014, the Popponesset Inn was required to remain open until the Board of Selectmen addressed this matter.

Stephen Brennan, Manager was in attendance to discuss the closure request with the Board of Selectmen. Being no additional comment, the Board of Selectman motioned as follows to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Motion made by Selectman Sherman to grant the request of New Seabury Properties, LLC, d/b/a Popponeset Inn, Stephen T. Brennan, Manager to close on January 5, 2015 for annual maintenance, renovations and repairs through March 31, 2015.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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COMMUNICATIONS & CORRESPONDENCE:

Request for Letter of Support – Changes to Spraying Regulations:

Correspondence was received from the Town of Harwich dated December 22, 2014 requesting the Selectmen send a letter to the Massachusetts Department of Agricultural Resources, legislative officials and to NSTAR relative to changes to herbicide application regulations imposed by NSTAR. A draft letter of common sense adjustments to the proposed regulations would enhance and improve the current process and provide greater notice and oversight of this program to protect the residents of Cape Cod.

Motion made by Selectman Gottlieb to remit a letters in support of the comments made by the Town of Harwich relative to herbicide regulations.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

EDIC – Economic Development Initiatives:

Last month, Tom Mayo was charged as the staff lead to request a partnership with the Cape Cod Commission to access their resources and expertise. Mr. Mayo reported that letters were sent to Kristy Senatori, Deputy Director of the Cape Cod Commission requesting the CCC provide technical assistance to the Town of Mashpee to increase economic development opportunities and to raise mandatory review thresholds in the Mashpee Executive Park for limited uses such as science and technology. In planning, the Cape Cod Commission will be requested to partner with the Cape Cod Chamber of Commerce and/or the local chambers to conduct a feasibility study for a hotel for the area, including the Town of Mashpee as a potential site location.

The Commission regularly provides technical assistance to municipalities in the form of RESET teams consisting of several CCC staff technical experts. The Town is able to request assistance in a particular geographic area with a focus on one or more resource issue areas. It was noted that a meeting will be held later this month. It was agreed that in addition to Mr. Mayo Selectman

Sherman, EDIC Chair, and Selectman Gottlieb as EDIC liaison would represent the Town of Mashpee on this matter.

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COMMUNICATIONS & CORRESPONDENCE:

EDIC – Economic Development Initiatives: (continued)

It was also noted that funding is available for regional collaboration and economic development through District Local Technical Assistance (DLTA) grants. Applications are currently available for the 2015 allocation.

OLD BUSINESS:

Wastewater Update:

Selectman Gottlieb indicated that he attended the Sewer Commission's December 18th meeting and discussed the Selectmen's action and direction regarding wastewater management.

After a somewhat contentious debate, the objective to move forward constructively was established as was the need for improved communication.

To maintain the open lines of communication, the memorandum to the Board of Selectmen dated November 29, 2014 relative to options for the continued Town management of wastewater in the event the proposed transfer to the Water District does not occur was distributed to the Sewer Commission. Included in the communication submitted to the Sewer Commission was the memorandum discussed at the Selectmen's workshop session on November 25, 2014 and voted upon at the Board's December 1, 2014 meeting.

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NEW BUSINESS:

Position Vacancy Request – Animal Control/Police Department:

The Board of Selectmen reviewed the Position Vacancy Request submitted by the Chief of Police for the vacant position of

Animal Control Officer.

Motion made by Selectman Gottlieb to approve the request of the Police Department to advertise for the position of Animal Control Officer at Step 1 of the intended pay scale.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Position Vacancy Request – Firefighter/EMT – Fire & Rescue:

A Position Vacancy Request was before the Board for Firefighter/EMT to the Fire & Rescue Department. The date of the vacancy is November 26, 2014 to replace a former employee at Step 1 of the intended pay scale.

Motion made by Selectman Gottlieb to approve the Position Vacancy Request for Firefighter/EMT to the Fire & Rescue Department as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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NEW BUSINESS:

Request to Change D/B/A – Oak and Ember:

Robert Catania was before the Board to request a change of d/b/a from Oak and Ember, Inc. to El Colibir, 36 South Street, Mashpee. David Callinan, Manager on record would remain the same.

Mr. Catania explained the new business would offer a Mexican and Spanish fare, a modern concept to fit in with present economics. The layout of the restaurant will not be altered. Proposed improvements include; new signage, paint and wallpaper to modify the appearance of the restaurant. With the Selectmen's approval, the restaurant would close for approximately three weeks re-opening with a new liquor license when approved by the ABCC. The Entertainment License is anticipated to remain the same, radio, TV and live singing and background music.

Motion made by Selectman Cahalane to approve the request of Robert Catania to change the d/b/a of Oak and Ember to El Colibir at the location, 36 South Street, Mashpee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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APPOINTMENTS & HEARINGS:

Little Neck Bay Association – STOP Sign Request in Village:

Correspondence was received from Nadine Neil of 3Sixty Property Management dated December 4, 2014 indicating the Little Neck Bay Association Board wishes to apply for the approval of STOP Signs throughout the village of Little Neck Bay.

Representatives of the Little Neck Bay Association including the Chief of Police were in attendance to review this matter with the Board of Selectmen. Additional communication was received from Rodney Collins; Chief of Police dated December 6, 2014 with respect to this regard.

It was noted there has been problems with speeding, and it has been determined that three-way stop signs on three intersecting streets on Tide Run located off the main drive of New Seabury would help to resolve this concern.

Chief Collins indicated that it is a requirement for the Little Neck Bay Trustees/Directors to come before the Board of Selectmen to establish traffic regulations pursuant to stop signs. The signage is required to conform to the Manual of Traffic Control Devices in terms of shape, color and size. It was noted that previously, speed regulations in this area were approved by the Selectmen.

Chief Collins stated that under the provisions of Chapter 90, §18, the Board of Selectmen have the authority over the roadway that is enforceable by the police department, and there is no reason to deny this request.

Motion made by Selectman Cahalane to approve the request of the Little Neck Bay Association, and for the purpose of establishing traffic regulations, by allowing stop signs, enforceable by the police department.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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NEW BUSINESS:

Request to Rescind Renewal of Annual Liquor License – Meggie Top:

Motion made by Selectman Sherman to place the above topic on the Selectmen's agenda.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

At their December 15, 2014 meeting, the Board of Selectmen approved the renewal of the Restaurant Annual All Alcohol, No Entertainment License of Meggie Top, 13 Lake Avenue, Mashpee, Horace Graham, Manager. At the Public Hearing it was disclosed the liquor licensed establishment had not been inspected as there was a pending matter between the lessee and the realty company.

It was disclosed that Meggie Top, LLC has requested the Selectmen withdraw their liquor license as they no longer intend to operate a restaurant at the current location.

Motion made by Selectman Gottlieb to rescind action on December 15, 2014, and not renew the Liquor License of Meggie Top, 13 Lake Avenue, Mashpee, and refund the licensee its liquor license payment for 2015, and further, notify the ABCC of this action.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

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EXECUTIVE SESSION:

Memorandum of Agreement (MOA) – Clerical Unit:

It was agreed the above referenced agenda topic would be deferred to the next meeting to obtain a full voting quorum of the Board of Selectmen.

LIAISON REPORTS:

None at this time.

ADJOURNMENT:

Motion made by Selectman Cahalane to adjourn at 6:50 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Taylor, absent	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen